

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

THE ESTATE OF DAVID SPURLING by)
LYNN SPURLING, ADMINISTRATRIX)
and LYNN SPURLING, Individually,)
)
Plaintiffs,)
)
v.) No. 3:03-CV-498 (LEAD CASE)
) (Shirley)
PROGRESSIVE INDUSTRIES, INC.,)
)
Defendant.)

O R D E R

These cases are before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment. [Doc. 10].

For the reasons set forth in the Court's Memorandum Opinion, filed simultaneously herewith, the Motion for Summary Judgment Filed on Behalf of Activated Metals and Chemicals, Inc. [Doc. 55] is **GRANTED**. Progressive Industries, Inc.'s third-party action against Activated Metals and Chemicals, Inc. is **DISMISSED**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge